

Protecting One's Own Life During an Event in the Workplace That Could Reasonably Be Expected to Cause Death or Serious Physical Harm

Background

An event such as a natural disaster, chemical spill, active shooter, fire, explosion, etc., albeit rare, is a potentially deadly event that can happen anywhere at any time. The Board recognizes that such an event can happen when a licensed nurse or certified nursing assistant (CNA) is on the job working with clients.

Board Statement

There exists no Oregon Revised Statute or Oregon Administrative Rule within Oregon's Nurse Practice Act that places a legal requirement on the nurse or CNA to sacrifice their own life or personal safety over that of their client during an event in the workplace that could reasonably be expected to cause death or serious physical harm.

In the event someone was to report a nurse or a CNA for failing to protect their client during a situation as described above, an investigator would validate the fact pattern related to the specific complaint to determine whether the complaint falls into the Board's regulatory jurisdiction.

References

- American Nurses Association (2022). Position Statement: Risk and Responsibility in Providing Nursing Care. ANA Center for Ethics and Human Rights.
www.nursingworld.org/~4a811b/globalassets/docs/ana/ethics/risk-and-responsibility-in-providing-nursing-care.pdf
- American Nurses Association (2017). Issue Brief: Who will be There? Ethics, the law, and a nurse's duty to respond to a disaster. Author.
www.nursingworld.org/~4af058/globalassets/docs/ana/ethics/who-will-be-there_disaster-preparedness_2017.pdf
- Oregon Revised Statutes 678.010 - 678.448 Professional Nurses.
www.oregonlegislature.gov/bills_laws/ors/ors678.html
- Oregon Secretary of State. Oregon Administrative Rules Chapter 851 Division 045. Standards and Scope of Practice for the Licensed Practical Nurse and Registered Nurse.
<https://secure.sos.state.or.us/oard/displayChapterRules.action?selectedChapter=16>
- United States Department of Labor, Occupational Safety and Health Administration (2022, December). Imminent Danger, Fatality, Catastrophe, And Emergency Response.
www.osha.gov/enforcement/directives/cpl-02-00-164

Oregon State Board of Nursing: Interpretive Statement

Authority for Approval: ORS 678

History of Document: Approved by the Board on June 22, 2023.

The Oregon State Board of Nursing (OSBN) is authorized by Oregon Revised Statutes Chapter 678 to exercise general supervision over the practice of nursing in Oregon to include regulation of nursing licensure, education, and practice to assure that the citizens of Oregon receive safe nursing services. The OSBN further interprets statute and rule and issues opinions in the form of policy and Interpretive Statements. These policies and interpretive statements are advisory in nature and issued as guidelines for safe nursing practice.